REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	04 August 1999
Name of applicant/court:	Christian Heritage Party
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Untitled
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Artwork (acrylic, spray enamel, and ink on paper)
Country of Origin:	USA
Language:	Not Applicable

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 13 years or who are accompanied by a parent or guardian.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

This untitled artwork by Keith Haring is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 13 years or who are accompanied by a parent or guardian.

The work is rendered in acrylic, spray enamel and ink on paper and measures 161.3 cm wide and 121.9 cm high. The work is framed in a black wooden frame. The image comprises a central image of two figures engaged in rear entry anal intercourse. Both figures are male. The background on the image is comprised of yellow with black speckles, and has nine fluorescent orange crosses arranged around the edges. This central image is bordered by red and black.

Anal intercourse is more an adult or mature persons' concept of things sexual. Knowledge or understanding of adult sexual activities can be reasonably said to sit outside the realm of knowledge and understanding that children and young persons may have about things sexual. While children and young persons may have knowledge of their own bodies and any sexual characteristics that they may possess, they cannot be reasonably expected to understand or have experienced adult concepts of sexual activity such as anal intercourse.

The Classification Office considers that a viewer must possess a level of cognitive ability consistent with life experience and education, in order to avoid misinterpretation of this artwork. There is a significant section of New Zealand society that may not possess these necessary prerequisites and is therefore likely to be injured by exposure to this artwork. As simplistic and symbolic, as it is if one cannot interpret beyond the literal then the sexual aspect of this artwork may be quite disturbing.

The Classification Office readily acknowledges Haring's use of artistic tools such as symbolism in conveying ideas and making observations on social phenomena. The Office also acknowledges Haring's status and importance within the art world and his contribution to various groups and causes concerning children. There is also a wealth of information and educational material accompanying the exhibition which helps to explain the context, and to a certain extent, the meaning of this artwork. However, if the requisite cognitive ability to understand this information is missing then the information itself is of little value.

The provisions of the New Zealand Bill of Rights Act 1990 (NZBR Act) have been considered and balanced against the provisions in the Films, Videos, and Publications Classification Act 1993 in order to allow for the widest possible availability of the artwork consistent with law. The restricted classification given to this artwork is considered to balance Parliament's intention to protect the public good from the likelihood of injury against the freedom of expression in s14 of the NZBR Act.

OFLC Ref: 9900908